IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12135 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHARDABEN PARSHOTTAMBHAI S PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR UM SHASTRI for Petitioner

MR BIPIN I MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 12/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. U.M. Shastri appearing for the petitioner and Mr. Bipin Mehta, learned Addl. CGSC for the respondent. Rule. Learned Addl. CGSC Mr. Mehta waives service of rule on behalf of the respondent.

2. Learned counsel Mr. Shastri for the petitioner

submitted that the petitioner applied for an international passport and accordingly she has been issued the passport bearing No. U-348335 on 5-12-1995. In the said passport the date of birth of the petitioner has been recorded as 1-2-1943. Learned counsel for the petitioner submitted that, at the time of admission in the school her date of birth was erroneously recorded as 1-2-1943 and accordingly the Head Master of Nisraya Primary School issued a certificate to the petitioner showing the birth date of the petitioner as 1-2-1943. However the petitioner subsequently obtained birth certificate from Mamlatdar, Borsad Taluka, who is the Registrar of Birth & Death and according to the birth certificate issued by the Mamlatdar, Borsad Taluka, the date of birth of the petitioner is 13-1-1943. Learned counsel for the petitioner submitted that, at the time of admission in the school the date of birth was erroneously recorded as 1-2-1943 instead of the correct date of birth of the petitioner being 13-1-1943 as per the birth certificate issued by the local authority, that is Mamlatdar, Borsad Taluka. Accordingly, learned counsel submitted that the date of birth of the petitioner is therefore required to be corrected as per the birth certificate issued by the Mamlatdar of Borsad Taluka. Whenever there is conflict in the date of birth issued by the school authority and in the certificate issued by Registrar of Birth & Death, the certificate issued by the Registrar, Birth & Death should prevail. It is submitted that, the petitioner has approached the respondent Regional Passport Officer, Ahmedabad for correction of date of birth, but has declined to carry out the correction in the passport. Having regard to the birth certificate issued by the Birth & Death Registrar, that is the Mamlatdar of Borsad Taluka, I am of the view that the respondent should have consider the prayer of the petitioner for correction of the birth of the petitioner in the passport.

3. Learned Addl. CGSC Mr. Mehta has submitted that, if genuine documents are produced by the petitioner before the respondent Regional Passport Officer, then, he will consider change of date of birth of the petitioner in the passport. Having regard to the submission of both the parties, I am of the view that the petitioner should approach the respondent for correction of the date of birth and the petitioner is accordingly directed to produce relevant documents before the respondent Regional Passport Officer, Ahmedabad. If such documents are produced, the Regional Passport Officer is directed to consider the same for change of the date of birth of the petitioner in the passport in accordance with law.

4. It appears that the erroneous date of birth was recorded in the passport because of the information given by the petitioner according to the school leaving certificate. Therefore, if any correction is made on the basis of the certificate issued by the Mamlatdar, Borsad, then the petitioner shall pay cost of Rs.1,500-00 to the respondent. With the aforesaid direction and observation the petition is disposed of. Rule made absolute to the aforesaid extent. Direct service permitted.

DT: 12-12-2000

(P.K. Sarkar, J)

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